

Full-Time Inter-District Public School Open Enrollment in Wisconsin

Wisconsin Department of Public Instruction
Public School Open Enrollment
December 2013

Program Overview

Inter-District Public School Open Enrollment

- Allows parents to apply for their children to attend school in a school district other than the one in which they reside.
- This is referred to as the nonresident district.

Pupils Who May Open Enroll

- Any pupil in 5-year-old kindergarten to grade 12.
- Prekindergarten, early childhood education and 4-year-old kindergarten:
 - Only if child's resident district offers the same type of program, and
 - Only if child is eligible for the program in the resident school district.

Applying for Open Enrollment

- Regular Application Period
- Alternative Application Procedure

Parents Must Apply

- Must submit an application to the nonresident school district:
 - During the regular application period, or
 - Anytime after July 1st of the current school year using the alternative application procedure
- A separate application must be submitted for each child.
- May request specific school or program, but assignment to requested school or program is not guaranteed.
- May apply to up to three nonresident school districts per school year.

Regular Application Period

- The regular application period is from the 1st Monday in February until the last weekday in April.
- February 3 - April 30, 2014 for the 2014-15 school year.

Nonresident District Approval or Denial Regular Application Period

- Applications can only be denied for reasons specified in statute and school board policy.
- The nonresident school district must notify parents of approval or denial on or before the 1st Friday following the 1st Monday in June.
 - Notice must be postmarked on or before June 6, 2014.
 - Approval must include notice of school assignment.

Resident District Approval or Denial

Regular Application Period

- Applications can only be denied for reasons specified in statute and school board policy.
- The resident district is only required to send a notice of denial and must do so on or before the 2nd Friday following the 1st Monday In June.
 - Notice must be postmarked on or before June 13, 2014.
- If the resident district does not send notification, it is assumed that the application is approved.

Intent to Attend

- Parents of approved applicants must notify the nonresident school district of the pupil's intent to attend the nonresident school district in the following school year.
- On or before the last Friday in June: June 27, 2014
- By July 7, the nonresident district must notify resident districts of the names of pupils who will attend the following school year.
 - Report in OPAL

Appeal of Denial

- Parents may appeal either nonresident or resident district open enrollment denials to the Department of Public Instruction within 30 days after the notice of denial was mailed.
- The Department must affirm the school board's decision unless the Department finds that the decision was arbitrary or unreasonable.

Alternative Application Procedure

- Parent may apply at any time if one of the following criteria apply to the pupil:
 - Victim of a violent crime
 - Homeless in the current or preceding school year
 - Victim of repeated bullying and harassment
 - Residence has changed due to military orders
 - Moved into the state
 - Residence has changed because of custody order or foster placement
 - Parent, nonresident & resident districts agree that transfer is in the pupil's best interests.



The Open Enrolled Pupil

Rights and Privileges

- Open enrolled pupils have all of the rights and privileges of resident pupils and are subject to the same rules and regulations.
 - Inter-scholastic athletics governed by the Wisconsin Inter-Scholastic Athletic Association (WIAA).

Transportation

- Parents are responsible for transportation.
- Either district may provide transportation:
 - The nonresident district may pick up pupils within the boundaries of the pupil's resident district only if the resident district agrees.
 - Only the nonresident district may receive transportation aid.
- IEP-required transportation must be provided by the nonresident school district.

Transportation Cost Reimbursement

- Low-income parents may apply to the DPI for reimbursement of a portion of transportation costs.
 - Eligible claims exceed appropriation—payments are prorated (approximately 20%)
- Low-income means eligible for free or reduced-price meals.
- Parent may submit a claim at the end of the school year.
- Refer parents to DPI for information.

Habitual Truancy

- If a pupil was habitually truant in either semester of the current school year. ..
 - The nonresident district may prohibit the pupil from attending the nonresident district...
 - In the succeeding semester or school year.

Reapplication

- Once a pupil is open enrolled, the nonresident school district may require the pupil to reapply, one time only, at the beginning of middle school, junior high or high school.



Special Education

Nonresident School District to Provide FAPE

- The nonresident district is responsible to provide a free, appropriate public education (FAPE) to open enrolled pupils:
 - Procedural safeguards.
 - Due process.
 - IEP team (resident district must appoint a member).
 - Placement (same placement options as for resident pupil).

IEP Created or Revised

- If an IEP for an open enrolled pupil is developed or revised after the pupil begins attending the nonresident school district:
 - Nonresident district may consider whether it has the special education and related services required in the IEP and whether it has space; if not, pupil may be required to return to the resident district.
 - Resident district may consider whether the cost to implement the new or revised IEP is an undue financial burden; if so, pupil may be required to return to the resident district.



Open Enrollment Funding

Pupil Count and Payment for Open Enrolled Pupils

- Resident district counts pupils in membership for state aid and revenue limits.
- For regular education:
 - DPI transfers state-set amount from the resident district to the nonresident district in the final state aid payment.
 - The payment is prorated for less than a full school year.
- For special education:
 - Nonresident district charges resident district basic amount plus any actual, additional costs to provide special education.

Amount of State Aid Adjustment

- Used to be the prior year statewide average cost/member for:
 - Regular education.
 - Co-curricular activities.
 - Instructional support services.
 - Pupil services.

Amount of State Aid Adjustment

- 2013 Act 20 changed the method for calculating the open enrollment transfer amount.
- For the 2013-14 and 2014-15 school years, the open enrollment transfer amount is \$150 more than the prior year and is as follows:
 - 2012-13: \$6,335 (daily rate: \$35.19)
 - 2013-14: \$6,485 (daily rate: \$36.03)
 - 2014-15: \$6,635 (daily rate: \$36.86)

Administering the Open Enrollment Application Process



Preparing for the Regular Application Period

Internal Procedures

- Review and amend policies prior to the beginning of the application period.
- School board must determine spaces at January board meeting.
- Be sure all necessary OPAL users are authorized and OPAL contact person is current.
- Establish internal procedures for providing information and accepting applications:
 - Designate one place for receiving applications.
 - Designate one person/office to respond to questions.

Pre-Application Notices to Parents

- Must send notices to parents of pupils who are required to reapply for middle school, junior high or high school.
 - Notices must be sent prior to the beginning of application period.
- Recommend sending notices to parents of pupils who are attending the district on a tuition waiver.
- Recommend that parents of homeless pupils submit open enrollment application:
 - So pupil can remain in district after finding permanent housing.

Online Application Form

- Online application is strongly encouraged.
 - Link for application will be “live” on the DPI website at midnight February 3.
 - School districts are requested to link to the DPI website.
 - Application will shut down at 4:00pm on April 30.
- Note: Online application is only for parents. School districts must enter paper applications through OPAL.

Paper Form (PI 9410)

- Paper form will be located on the website.
- Download and print any forms you need.
- Must be physically received in nonresident district by 4:00 p.m. on April 30.
 - Hand delivery is recommended.
 - Not to resident district or DPI.
- Nonresident district should date & return copy to parent.



Special Situations

4K, PK and Early Childhood Education

- May only open enroll if resident district:
 - Has same type of program, and
 - Child is eligible for resident district program.
- If either resident or nonresident district are considering 4-year-old kindergarten:
 - Pupil may apply.
 - Approval/denial should be based on status of program at time of decision.
 - May reverse denial if program is later instituted.

Requesting Early Admission for 4K & 5K

- Parents may request early admission.
- Nonresident district is not required to evaluate pupils for early admission.
 - If not, deny due to age.
- If nonresident district is willing to evaluate:
 - Approve but include letter that approval is contingent on being evaluated and found eligible.
 - 5K: only nonresident district must evaluate
 - 4K: both resident and nonresident district must evaluate; pupil must meet criteria in both districts.

Early Childhood Education (Special Education)

- Same type of program is defined by the child's IEP.
- If child does not yet have an IEP:
 - Nonresident district may approve or deny.
 - When IEP is developed:
 - Nonresident district may consider availability and space.
 - Resident district may consider undue financial burden.
- Pupil must be receiving services on or before the 3rd Friday in September.
 - If not, may apply under alternative procedure when eligible.

Anticipated Move

- Parents may apply in anticipation of a move:
 - Does not need to live in resident district or in Wisconsin to apply.
- Parent should indicate the 2014-15 resident district:
 - If unknown, make best guess.
 - If the family is living in a different resident district on the 3rd Friday in September, the resident district will be changed.
 - Resident district will have an opportunity to review special education estimate.

Private School, Home-Based and Other Non-Enrolled Pupils

- May apply for open enrollment.
- Approve/deny same as all other applicants.
- Must enroll in resident district prior to attendance in nonresident district.
- It is not necessary to enroll in resident district prior to application.
- Once open enrolled, may not be simultaneously enrolled in private school or home-based program.

Designating Spaces

- School board must designate the number of regular education and special education spaces available at the January board meeting:
 - Use criteria to designate spaces.
 - If district will not deny applications due to space, may state that.
- For special education:
 - Designate spaces in special education “programs” that have a capacity or caseload, e.g. ED, LD, multi-categorical, speech therapy, etc.
 - However, must review each pupil’s IEP individually to ensure the entire IEP can be provided.



Handling Applications

Regular Application Period

Handling Online Applications


- Once submitted by parent, application may be immediately viewed in OPAL by both nonresident and resident districts.
- Application may be printed as PDF.
- Recommended to download applications into Excel spreadsheet.

Review Online Applications

- Online edits will catch many, but not all, errors.
- Review as soon as possible.
- Is nonresident district correct?
 - Parent indicates virtual school when your district doesn't offer a virtual school.
 - Parent applies for 4K when you don't have 4K
 - Districts with similar names:
 - De Pere and West De Pere
 - Waukesha, Wausau, Wausaukee, Wauwatosa, etc.

- Is resident district correct?
 - Districts with similar names:
 - Washington-Caldwell or Washington
 - School name rather than district name or vice versa.
 - Hamilton High School in MPS or Hamilton School District
 - Do not correct resident district without checking with the parent.
 - May apply in anticipation of move; do not assume resident district is wrong based on address.

- Do age and grade make sense?
 - Online application will not allow applications for children who will not be 3 on or before September 1 or pupils who will be age 21 on or before September 1.
 - Beginning with the 2014-15 applications, it will request pupil's current grade, rather than the grade next year.
 - This may alleviate problems when applications are approved based on a requested grade and later discovered that pupil is actually in a different grade than requested.

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- Parent and pupil names are correct (if you know):
 - Sometimes they are reversed.
 - Use legal name, not nicknames.

- Parents may edit or delete applications after they are entered, so if you begin processing forms before the end of the application period, be aware that they may change.
 - There is a field in the OPAL download that will show the most recent update to an application.
- Must request DPI to make corrections of parent-entered applications.

Handling Paper Applications

- Entered into OPAL by nonresident district.
 - Deadline: May 1 (end of day)
 - Communication features of OPAL require that all applications be entered by the deadline.
- Nonresident district must keep original paper application on file.
 - Do not send copy to DPI or resident district (unless requested).
 - If appeal is filed, copy of paper application must be submitted with the record.

Review Paper Applications

- Timeliness
- Right place – nonresident district office.
- Complete & accurate:
 - Minimum: name, birthdate, grade, address, nonresident district, resident district, signed.
 - Resident district means the district in which the pupil will reside in the 2014-15 school year.

Reapplications

- If submitted via paper (recommended), do not enter into OPAL.
- If parent submitted a reapplication via OPAL, print a copy and request DPI to delete.
 - Request deletion via OPAL.
- If parent submitted unnecessary reapplication, nonresident district should request DPI to delete.
 - Request deletion via OPAL.
 - Hold all deletion requests until the end of the application period.

Duplicate Applications & Too Many Applications

- Duplicates:
 - Nonresident district should send deletion request to DPI through OPAL.
 - Only true duplicates (same pupil, same resident & nonresident district) will be deleted.
- Too many applications:
 - Excess applications should be deleted.
 - Contact parents to notify of excess applications.



Districts Must Exchange Information

Special Education & Expulsion Records

- The nonresident district no longer needs to request these records from the resident district for all applicants.
- Resident district must send copies of IEPs and disciplinary records by the 1st Friday following the 1st Monday in May (May 9, 2014):
 - No special education or expulsion records.
 - Yes, special education records (send).
 - Yes, expulsion records (send).
 - Yes, pending disciplinary proceeding (send).

Special Education Cost Estimate

- Nonresident district must provide special education cost estimate:
 - On or before May 23 on form PI 2092.
 - Only for special education/related services required in IEP.
 - Basic OE amount plus only actual, additional pupil-specific special education costs.
 - No averaged or prorated costs.



Reasons for Denial & Selection of Pupils

Ineligible

- Late application
- Age ineligible
- Resident district does not have same type of PK, 4K or ECE
- Too many applications
 - May only apply to 3 nonresident school districts
 - Contact parents to request they withdraw excess applications.

Age Ineligible

- Too young
 - Must be 4 on/before September 1 for 4K.
 - Must be 5 on/before September 1 for 5K.
 - May request early admission for 4K and 5K
 - An ECE child must be able to attend on/before the third Friday in September.
- Too old
 - pupil is entitled to a free education through age 20.
 - pupil may not be 21 on or before the 1st day of school.
- If you do not offer the pupil's grade, deny for no space, not for age ineligibility.

Nonresident District Reasons for Denial

- Regular education space not available.
- Special education or related services not available.
- Special education space not available.
- Referred for initial evaluation but not yet evaluated.
- Expelled in current or 2 preceding school years or whether a disciplinary proceeding is pending for certain conduct.
- Habitual truancy (from nonresident district) in current or preceding school year.

Required Procedures Regarding Space

Prior to acting on any applications:

- School board must establish class size criteria.
- Based on criteria, board must determine the number of spaces available in each grade at the January meeting of the school board.

Once applications are received:

- Approve any pupils who are guaranteed.
- If any spaces remain, approve pupils entitled to preference. If more preference pupils than spaces, do random selection.
- If any spaces remain, approve remaining pupils. Do random selection if necessary.

Preferences and Guarantees

- Preference must be given to currently-attending pupils and siblings of currently-attending pupils.
 - Preference requires space.
 - If there are no spaces, even pupils entitled to preference must be denied.
- Guarantee may be given to currently-attending pupils or siblings of currently-attending pupils.
 - Guarantee means approval regardless of space.
 - District must have policy to guarantee approval—otherwise may only grant preference.

Resident District Reason for Denial

- Cost of special education or related services is an undue financial burden:
 - In light of district's total economic circumstances, including revenue limit, ability to pay and per pupil special education cost of pupils continuing to be educated in district.
 - Must be based only on actual, additional, pupil-specific cost for nonresident district to provide special education and related services.



Approval and Denial Notices

Notices of Approval & Denial

- Nonresident district:
 - May not act on any application prior to May 1.
 - Must notify of either approval or denial.
 - If approved, must notify of school assignment.
- Resident district:
 - Must notify of denial.
 - May notify of approval.
- Approval/Denial forms are prepared in OPAL.
 - DPI no longer provides paper forms.

Notices of Denial

- Nonresident district denials must be postmarked on or before June 6, 2014.
- Resident district denials must be postmarked on or before June 13, 2014.
 - Certified mail not required.
 - Deliver to post office.
 - Use of office mail is not recommended.
 - Prepare affidavit of mailing.

Notices of Denial

- Notice of denial must include:
 - Written reason for denial.
 - Pupil's place on waiting list, if applicable.
 - Notice of right to appeal

Intent to Attend

- Parent must notify nonresident district of intent to attend:
 - On or before June 27, 2014, or
 - Within 10 days of receiving notice of approval from waiting list.
- If parents do not provide this notice, the pupil may not be able to open enroll:
 - If the pupil is on a waiting list, the district may go to the next name.

Notice to Resident District

- By July 7, nonresident district must notify resident district of the names of pupils who plan to attend the nonresident district in the following school year:
 - Report in OPAL

Appeals

Appeals of Denials

Regular Application Period

- The parent may file an appeal within 30 days of the date the notice is postmarked or delivered to parent, whichever is sooner.
- The Department must affirm the school board's decision unless it finds that the decision was arbitrary or unreasonable.

Appeal Procedure

Regular Application Period

- Parent files appeal.
- DPI reviews and, if accepted, sends letter to parent and school district:
 - Requests record of school board decision.
 - Establishes briefing schedule.
- Copies of all submissions to DPI must also be sent to other party.
- DPI will issue order after record is received and each party has had opportunity to file original and reply brief.

Record of School Board Decision

- Copy of application and notice of denial.
- School board open enrollment policy.
- Administrative procedures.
- School board minutes or notes of other meetings.
- Data used to make decision.
 - Information on number of applications, approvals and denials, and procedures for selecting pupils.
- Completed DPI submission form for space and undue financial burden appeals.

Filing A Brief

- Recommended that you file a brief
- Brief can include:
 - Statement of Facts
 - Application of Law
 - Explanation of Decision
 - Do not assume DPI will understand data without explanation.
 - Argument

Contact Information

Mary Jo Cleaver, Open Enrollment Consultant
608-267-9101, maryjo.cleaver@dpi.wi.gov

Jennifer Danfield, Open Enrollment Consultant
608-264-6707, jennifer.danfield@dpi.wi.gov

Kari Gensler Santistevan, Open Enrollment Education Specialist
608-267-9196, kari.genslersantistevan@dpi.wi.gov

Tricia Collins, Director, School Management Services
Phone: 608-266-7475, tricia.collins@dpi.wi.gov

Resources

General Contact Information:

Email: openenrollment@dpi.wi.gov

Phone: 888-245-2732

Open Enrollment Website: http://sms.dpi.wi.gov/sms_psctoc